

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION AT LAFAYETTE

IN THE MATTER OF:)
)
CONSOLIDATED INDUSTRIES CORP.) CASE NO. 98-40533
)
)
Debtor)

DECISION AND ORDER ON OBJECTION TO CLAIM

At Fort Wayne, Indiana, on June 8, 2007.

The trustee has objected to two claims, filed on behalf of Steven Baumle, designated by the clerk as claim number 155 and claim number 219. There has been no response to this objection within the time required by the local rules of this court, N.D. Ind. L.B.R. B-3007-1(b), and the matter is now before the court.

As to claim number 155, the trustee asks that it be denied because it has been “superseded, amended, and/or duplicated” by claim number 219. Unfortunately, he does not specify which shortcoming he is complaining about, and it matters. If claim number 155 has been duplicated by claim number 219 – so that the creditor has literally filed the same claim twice – the objection is well taken. The creditor is entitled to only one claim against the estate. If, however, claim number 155 has been superseded or amended by claim number 219, the trustee does not even need to address it. It is no longer pending before the court and of no further force or effect. Cf. 188 LLC v. Trinity Industries, Inc., 300 F. 3d 730,736 (7th Cir. 2002) (“An amended pleading ordinarily supersedes the prior pleading. The prior pleading is in effect withdrawn . . . and becomes functus officio.”); Kelley v. Crosfield Catalysts, 135 F. 3d 1202,1204-1205 (7th Cir. 1998) (same).

As for claim number 219, the trustee’s states that it should be allowed as an administrative

expense in the amount of \$77.49. Although the trustee does not appear to be objecting to the allowance or priority of that claim, given the lack of any response, there seems to be no harm in doing as the trustee asks.

IT IS THEREFORE ORDERED that the trustee's objection to:

1. Claim number 155 filed on behalf of Steven Baumle is overruled, without prejudice.
2. Claim number 219 filed on behalf of Steven Baumle. is sustained and that claim is allowed as an administrative expense in the amount of \$77.49

/s/ Robert E. Grant
Judge, United States Bankruptcy Court